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OFFICE OF PETITIONS

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U.S. PHILIPS CORPORATION
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TARRYTOWN, NY 10591

In re Application of
Dielhof, Centen & Morisson
Application No. 09/826,620
Filed: April 5, 2001
Attorney Docket No. NL000204
For: FRONT-END DEVICE FOR CCD WITH
HYBRID SAMPLER

:
: DECISION REFUSING
: STATUS UNDER
: 37 CFR 1.47(a)
:
:

This is a decision on the reconsideration petition under 37 CFR 1.47(a), filed May 20, 2002 (certificate of mailing date May 8, 2002).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on April 5, 2001 without an executed oath or declaration. Accordingly, on May 14, 2001, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing. Applicant's petition under 37 CFR 1.47(a), filed December 31, 2001, was dismissed for failure to show that non-signing inventor Richard Morisson could not be reached or found after diligent effort.

In response to the March 14, 2002 dismissal, petitioners filed the instant request for reconsideration.

A grantable petition under 37 CFR 1.47(a) requires

- (1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
- (2) a proper oath or Declaration executed by the available joint inventor(s),
- (3) the fee of \$130 as specified in 37 CFR § 1.17(h), and
- (4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), Applicants have failed to establish that the inventor cannot be located. The statement of Mrs. Jacqueline Lanslots and the accompanying exhibits/e-mails show that another person, Mrs. Claudine Laublin, attempted to contact Mr. Morisson only once at a former address.

One returned mailing, addressed to Mr. Morisson at his last known address, does not demonstrate the required level of diligence to merit accordation of Rule 47 status to the above-identified application.

Petitioners should try to locate Mr. Morisson through other means. Copies of documentary evidence that support a finding that the non-signing inventor could not be found or reached should be made part of an affidavit or declaration. Possible sources of documentary evidence are inquiries of local telephone directory (Caen), inquiries of any extant national or regional registries, telegrams, and searches of Internet databases.

The affidavit or declaration of facts should fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the nonsigning inventor. The affidavit or declaration of facts must be signed by a person having *firsthand knowledge* of the facts recited therein. Whoever does the actual searching for Mr. Morisson should be the declarant.

A showing of diligence is critical to obtaining Rule 47 status when an inventor cannot be located or reached.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
Box DAC
Washington, D.C. 20231

By facsimile: (703) 308-6916
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